UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/046,124	12/28/2001	Paul Bourgine	1394-01	4810

35811 7590 12/14/2006

IP GROUP OF DLA PIPER US LLP
ONE LIBERTY PLACE
1650 MARKET ST, SUITE 4900
PHILADELPHIA, PA 19103

EXAMINER	
KNOWLIN, THJUAN P	

ART UNIT	PAPER NUMBER
2614	

DATE MAILED: 12/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/046,124	BOURGINE, PAUL	
	Examiner	Art Unit	
	Thjuan P. Knowlin	2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *26 September 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1 and 3-16* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1 and 3-16* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. Applicant's amendment filed on September 26, 2006 has been entered. Claims 1, 3, 5, 7, and 10 have been amended. Claim 2 has been cancelled. Claims 11-16 have been added. Claim 1 and 3-16 are now pending in this application, with claims 1, 7, and 10 being independent.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1, 3-11, and 13-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gross et al (US 6,931,116), in view of Holt (US 5,896,448).

3. In regards to claims 1, 7, and 10, Gross discloses a process and communication device for management of data transfer to a specific destination station having a plurality of real addresses, the process being applied to a multiplicity of telecommunications supports (See Abstract and col. 1-2 lines 66-6) and comprising: defining a virtual address (e.g. toll free 800 number or 888 number) of a destination station and comprising a plurality of time-related sequences (See Abstract, col. 3-4 lines 65-9, and col. 9-10 lines 63-14), said destination station having a plurality of real

addresses (See col. 3-4 lines 65-6 and col. 4 lines 14-19); sequentially searching through the real addresses according to one of said sequences until obtaining a positive response (for example, until a live answer is reached) from a real address establishing a communications channel said sequence being a predetermined ordered sequence (See col. 1 lines 53-60); and transferring data by the communication channel (See col. 9 lines 29-62). Gross, however, does not disclose storing time-related communication parameters in a memory at each failure and/or success in establishing communication; processing said data stored in the memory by correlating at least one variable factor with failure and/or success in establishing communications with the real addresses; and determining a new order of the sequence for sequentially searching through the real addresses based on the correlation. Holt, however, does disclose storing time-related communication parameters (for example, the day of the week, time of day, and business hours) in a memory at each failure and/or success in establishing communication (See col. 1-2 lines 64-3 and col. 8 lines 11-23); processing said data stored in the memory by correlating at least one variable factor (i.e., call is answered, busy signal is received, call is forwarded to an answering machine, etc.) with failure and/or success in establishing communications with the real addresses (See col. 3 lines 12-20 and col. 4 lines 27-46); and determining a new order of the sequence (i.e., the order in which the list of numbers to be called is dynamically updated/sorted depending on the probability of completing the call) for sequentially searching through the real addresses based on the correlation (See col. 3 lines 59-62, col. 3-4 lines 65-6, col. 4 lines 63-65, col. 7 lines 19-36, and col. 7-8 lines 64-10). Therefore, it would have been

obvious for one of ordinary skill in the art at the time of the invention to employ this feature within the system, as a way of decreasing the amount of time required to route a call to a party (In Holt, See col. 5 lines 33-36). In other words, this would increase the speed of delivering communications between parties, by selecting destinations from a routing list based on call completion probability.

4. In regards to claims 3 and 4, Gross discloses all of claims 3 and 4 limitations, except the process, wherein the processing performed on data stored in the memory is an iterative learning process. Holt, however, discloses the process, wherein the processing performed on data stored in the memory is an iterative learning process (See col. 4 lines 27-38).

5. In regards to claim 5, Gross discloses all of claim 5 limitations, except the process, wherein the processing performed on data stored in the memory is a statistical processing. Holt, however, discloses the process, wherein the processing performed on data stored in the memory is a statistical processing (See col. 4 lines 27-38).

6. In regards to claim 6, Gross discloses the process, wherein the communication parameters are selected from the group consisting of date, time, and address (See col. 9-10 lines 63-14).

7. In regards to claim 8, Gross discloses the process, wherein one of the at least one variable factors is time of day (See col. 9-10 lines 63-17). Holt, also discloses the process, wherein one of the at least one variable factors is time of day (See col. 1-2 lines 64-3 and col. 8 lines 11-23).

8. In regards to claim 9, Gross discloses the process, wherein one of the at least one variable factors is day of week (See col. 9-10 lines 63-17). Holt, also discloses the process, wherein one of the at least one variable factors is day of week (See col. 1-2 lines 64-3 and col. 8 lines 11-23).

9. In regards to claim 11, Gross discloses the process, wherein establishing a communications channel is performed by selectively choosing an outgoing telecommunication network (for example, the router decides which address/number/destination to forward the call, such as to a home phone, cellular phone, work phone, voicemail, etc.) (See col. 2 lines 21-40).

10. In regards to claim 13, Gross discloses all of claim 13 limitations, except the process, wherein determining a new order of the sequence is performed at each call. Holt, however, discloses the process, wherein determining a new order of the sequence is performed at each call (See col. col. 3 lines 59-62, col. 3-4 lines 65-6, col. 4 lines 63-65, col. 7 lines 19-36, and col. 7-8 lines 64-10).

11. In regards to claim 14, Gross discloses the process, wherein sequentially searching is performed automatically (See col. 1 lines 53-60).

12. In regards to claim 15, Gross discloses the process, wherein sequentially searching is performed semi-automatically in a way that an operator provides an extra service (See col. 5 lines 58-65).

13. In regards to claim 16, Gross discloses the process, wherein said extra service is interpretation of a party's request and/or searching for or supplying information (See col. 5 lines 58-65 and col. 6 lines 9-24).

14. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gross et al (US 6,931,116), in view of Holt (US 5,896,448), and in further view of Pokress (US 6,169,791).

15. In regards to claim 12, Gross and Holt disclose all of claim 12 limitations, except the process, wherein said selective choice is performed according to a least cost routing process. Pokress, however, does disclose the process, wherein said selective choice is performed according to a least cost routing process (See Abstract and col. 2 lines 19-35). Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention to incorporate this feature within the system, as a way of providing a least cost call routing system, which allows subscribers to save significantly and automatically on a call-by-call basis for each telephone call made anywhere in the world (See Pokress, col. 1 lines 58-63).

Response to Arguments

16. Applicant's arguments filed 09/26/06 have been fully considered but they are not persuasive. Applicant argues that neither Gross nor Holt disclose storing time-related communication parameters in a memory at each failure and/or success in establishing communication or processing said data stored in the memory by correlating at least one variable factor with failure and/or success in establishing communications with the real addresses.

17. In regards to the argument that neither Gross nor Holt disclose storing time-related communication parameters in a memory at each failure and/or success in establishing communication, Examiner respectfully disagrees with this argument. Holt does disclose storing time-related communication parameters (for example, the day of the week, time of day, and business hours) in a memory at each failure and/or success in establishing communication (See col. 1-2 lines 64-3 and col. 8 lines 11-23). Therefore, time-related parameters, such as time and/or date of the call, are stored.

18. In regards to the argument that neither Gross nor Holt disclose processing said data stored in the memory by correlating at least one variable factor with failure and/or success in establishing communications with the real addresses, Examiner respectfully disagrees with this argument. Holt does disclose processing said data stored in the memory by correlating at least one variable factor (i.e., call is answered, busy signal is received, call is forwarded to an answering machine, etc.) with failure and/or success in establishing communications with the real addresses (See col. 3 lines 12-20 and col. 4 lines 27-46).

Conclusion

19. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Vulcan et al (US 5,799,072) teach a telecommunications call management system. Shaw et al (US 5,983,004) teach a computer, memory, telephone, communications, and transportation system and method.

20. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

21. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

22. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thjuan P. Knowlin whose telephone number is (571) 272-7486. The examiner can normally be reached on Mon-Fri 8:30-5:00pm.

23. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar can be reached on (571) 272-7488. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

24. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

THJUAN P. KNOWLIN
PATENT EXAMINER
TECHNOLOGY CENTER

AHMAD F. MATAR
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2700